

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

SHARROD MOTEN,

Plaintiff,

v.

VIETH, *et al.*,

Defendants.

Case No.: 1:24-cv-00068-KES-CDB (PC)

ORDER DISMISSING ACTION  
WITHOUT PREJUDICE FOR FAILURE TO  
PAY THE FILING FEE

Doc. 12

Plaintiff Sharrod Moten is state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. On January 22, 2024, the assigned magistrate judge issued findings and recommendations recommending that plaintiff's application to proceed *in forma pauperis* be denied and requiring plaintiff to pay the filing fee in full. Doc. 7. The magistrate judge found that plaintiff was subject to the three-strikes bar of 28 U.S.C. § 1915(g) and that plaintiff failed to show he was in imminent danger of physical injury sufficient to warrant an exception under § 1915. *Id.*

On March 31, 2025, the Court adopted the findings and recommendations, denied plaintiff's motion to proceed *in forma pauperis*, and ordered plaintiff to pay the \$405 filing fee in full within 30 days. Doc. 12. Plaintiff was warned "that failure to comply with this order will result in the dismissal of this action." *Id.* at 3 (emphasis in original). Despite the Court's warning, plaintiff has failed to pay the required filing fee and the deadline for him to do so has

1 expired. Without such payment, the action cannot proceed before the Court. *See Saddozai v.*  
2 *Davis*, 35 F.4th 705, 709 (9th Cir. 2022).

3 Accordingly, the Court ORDERS:

- 4 1. This action is dismissed without prejudice for plaintiff's failure to pay the filing fee.  
5 2. The Clerk of the Court is directed to terminate any pending motions and close this case.  
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8 IT IS SO ORDERED.

9 Dated: May 14, 2025

  
UNITED STATES DISTRICT JUDGE